

Call to Order:

The meeting was called to order at 7:37 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi, Joan Duff, John McDonnell, and associate member Mark Yanowitz; also present were Paul Materazzo, Director of Planning, Lisa Schwarz, Senior Planner and Jacki Byerley, Planner.

Celestial Circle:

The Board opened the public hearings that were continued from the Jan. 26th meeting on an application by Rayvon Realty Trust for a nine lot Definitive Subdivision Plan, entitled Celestial Circle, and a Special Permit for a Cluster Development and a Special Permit for Earth Movement, located off Sunset Rock Road. Attorney Andrew Caffrey, representing Mr. Gable, submitted a letter to the Board dated February 9, 2010. Lynne Hunter, of 30 Sunset Rock Rd., submitted an addendum dated February 9, 2010 to her previous letter submitted to the Board dated February 8, 2010. Several abutters asked if the Board received their letters to the Board, previously submitted to the Planning Division. Chairman Salafia noted the letters were included in their packets. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to close the public hearings on an application by Rayvon Realty Trust for a nine lot Definitive Subdivision Plan, entitled Celestial Circle, and a Special Permit for a Cluster Development and a Special Permit for Earth Movement. **Vote** Unanimous (5-0)

Warrant Article P-16:

The Board opened the discussion on a warrant article to see if the Town would vote to transfer the care, custody and control of the property at 24 Brechin Terrace to the Conservation Commission for Conservation and open space use. Ms. Schwarz reviewed Mr. Materazzo's memo to the Board dated February 2, 2010, and associated GIS Map. The Board questioned who owns the land. Ms. Byerley noted that it's town owned land and the Conservation Commission wants control over the land for the Shawsheen Greenway. Ms. Schwarz noted that the Conservation Commission has just finished the Open Space Plan. On a motion by Ms. Anderson seconded by Ms. Duff the Board voted to recommend approval of P-16. **Vote** Unanimous (5-0)

Warrant Article P-17:

The Board opened discussion on a warrant article to see if the Town will vote to appropriate the sum of \$480,000 for the acquisition of land near Foster Pond as shown on Assessors Map 123, Parcels 26 and 27. The Board reviewed Mr. Materazzo's memo to the Board dated February 2, 2010. Ms. Schwarz reviewed the language in the warrant article. Some Board members were uncomfortable with being asked to vote in support of this warrant article.. They wanted to know where the Commission is in the negotiations and the how much the property is worth.

60-62 Essex Street:

The Board opened the public hearings that were continued from the Jan. 26th meeting on an application by Miami Stuart Realty, LLC, for a Special Permit for a Planned Development Multi-family or Mixed Use project located at 60-62 Essex Street. Steve Stapinski of Merrimack Engineering, representing the applicant, gave an overview of the revised plans. Ms. Schwarz reviewed her memo to the Board dated February 2, 2010 and an e-mail from Kaija Gilmore, Inspector of Buildings with her interpretation of Section 7.2.2. Density. Ms. Schwarz reviewed the language in Section 7.2.2. Density. The Board reviewed Ms. Schwarz's memo to the Board

60-62 Essex Street:

dated February 4, 2010. The Board questioned the lighting plan and suggested staff look at the Enterprise Bank special permit condition regarding lighting. The Board reviewed the revised Operation and Maintenance Plan. The Board discussed the driveway width and some Board members expressed concern that the driveway width at 15.3' would be too narrow, especially during the winter months. Mr. Stapinski reviewed the plans and noted that on sheet 2, there is a designated snow storage area behind the two-family. He also noted that the Board had approved the driveway width at 15.3' for the previous applicant, Peter Kelleher. Mr. Stapinski noted that after revising the plans the duplex is smaller and he would try to increase the driveway width. Ms. Schwarz reviewed DPW's recommendation that the applicant follow DEP's Regulations on monthly vacuuming of the porous pavements. Ms. Schwarz noted that the Operation and Maintenance Plan provides for monthly vacuuming of the porous pavement. The Board discussed the maintenance and inspections of the porous pavement. It was suggested that inspections happen quarterly and that the pavement be vacuumed at least quarterly, and more often if needed. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to close the public hearing on an application by Miami Stuart Realty, LLC, for a Special Permit for a Planned Development Multi-family or Mixed Use located at 60-62 Essex Street. **Vote** Unanimous (5-0)

Warrant Articles P-35 & P-36:

The Board opened the discussion for two warrant articles associated with the acquisition and sale of the existing building at 3 Blanchard Street. Article 35 would allow the Board of Selectmen to appropriate the sum of \$400,000 for the acquisition, and the costs related to such acquisition of land with the buildings and demolition of the buildings at 3 Blanchard Street. Article 36 would transfer the care, custody and control of the buildings at 3 Blanchard Street to the Board of Selectmen for the purpose of removing the building from the property either by the sale or conveyance of buildings. The Board reviewed Mr. Materazzo's memo dated February 3, 2010 and some members questioned what the Board's purview was regarding acquisition of land. Mr. Chiozzi stated that he is not comfortable with the the Board recommending approval of a dollar amount. Ms. Byerley pointed out that an appraisal will be done on the property. Mr. McDonnell noted that the purpose of the Planning Board is to authorize the Selectmen to do something, but not to determine the dollar amount. Chairman Salafia asked staff to find out from town counsel what the Board's role is in making recommendations for support of warrant articles, which include acquisitions for land. The Board also wants more information on the warrant articles and would also like to see a plan for the area.

Warrant Articles P-42 & P-43:

The Board opened the discussion on two warrant articles. Article P-42 would amend the Wetland Protection By-law Article XIV, Section 6., Notice and Hearings which would allow for abutters to be notified by certificate of mailing in addition to certified mail. Article P-43 would amend the Wetland Protection By-law Article XIV, Section XIV, Section 5, Fees, by removing the Conservation Commission's existing fee structure and allowing the Commission to rely upon the new state authorized fees. The Board reviewed Mr. Materazzo's memo dated February 2, 2009. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to recommend approval of Article P-42.

Warrant Articles P-42 & P-43 (cont.):

Ms. Byerley reviewed the peer review process and reviewed warrant article P-43. The Board would like more information on the article P-43 before making a recommendation.

Arbor Lane:

The Board opened the public hearings that were continued from the Jan. 12th meeting on an application by Fieldstone Meadows Development Corp. for a Definitive Subdivision Plan and a Special Permit for Earth Movement entitled Arbor Lane located at Acorn Drive and Clark Road. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the public hearings on an application by Fieldstone Meadows Development Corp. for a Definitive Subdivision Plan and a Special Permit for Earth Movement entitled Arbor Lane located at Acorn Drive and Clark Road without discussion until March 30, 2010 at 7:30 p.m. **Vote** Unanimous (5-0)

Pine Forest Park:

The Board opened the public hearings that were continued from the January 12th meeting, on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park located off Flash Rd., North Reading. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the public hearings that were continued from the January 12th meeting, on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park located off Flash Rd., North Reading, without discussion until March 30, 2010 at 7:45 p.m. **Vote** Unanimous (5-0)

Minutes:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the minutes for October 27th and December 16, 2009. **Vote** Unanimous (5-0)

Hay Bale Parish:

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board vote to extend the performance guarantee for Hay Bale Parish subdivision through May 2011. **Vote** Unanimous (5-0)

Adjournment: The Board voted to adjourn the meeting at 9:16 p.m.